<u>REMARKS</u>

The Office Action maintains that Figure 17 should be designated as "Prior Art". Applicant again traverses the drawing objection, and reiterates that a view for explaining a conventional technique does not necessarily mean that the view itself is conventional. For a fuller explanation of these points, the Examiner is respectfully directed to Applicant's remarks in the Amendment dated May 6, 2009. Since Figure 17 does not necessarily depict only that which is old, Figure 17 is not being labeled as "Prior Art".

Claims 12 to 17 and 19 to 23 were rejected under 35 U.S.C. § 103(a) over Japan 8-163488 (Matsushita '488), "Applicant Admitted Prior Art" (AAPA) and Official Notice. Claim 18 was rejected under Matsushita '488, AAPA, Japan 5-147337 (published as JP 7-023322, hereafter "Matsushita '322") and Official Notice. These rejections are respectfully traversed, and their withdrawal is respectfully requested as discussed more fully below.

Independent Claims 12 and 21 generally concern dividing a moving image sensed between a beginning of recording and an ending of recording. The moving image is divided on the basis of a plurality of items of additional data. The plurality of items of additional data indicate states upon sensing the moving image. An item group formed of one or a plurality of items of additional data is defined, and division information corresponding to the item group is generated on the basis of the additional data of items which belong to the item group.

According to one aspect of Claims 12 and 21, in a case that a plurality of division information is generated in correspondence with a plurality of item groups, the plurality of division information is hierarchized.

According to another aspect of Claims 12 and 21, division positions are added to division information of a lower layer of the hierarchy, based on division information of an upper layer.

For example, in one non-limiting example embodiment described in the specification, a moving image sensed between the start and end of recording is divided into significant intervals based on appended information from the image sensing environment. The intervals are organized into groups based on the type of appended information. The plurality of divisions can then be organized into a hierarchical structure, based the number of intervals in each group, or predefined settings by the user. In one non-limiting example shown in Applicant's Figure 29, the plurality of divisions of the moving image are hierarchized into three layers: 1) image sensing environment, 2) subject, and 3) subject size.

In addition, division positions are added to division information of a lower layer, based on division information of an upper layer. Thus, in the non-limiting example shown in Applicant's Figure 29, division positions are added to the lower "subject size" layer, based on the division information of the upper "image sensing environment" layer.

By virtue of this arrangement, it is ordinarily possible to provide a more efficient browsing process. In particular, it is ordinarily possible for the user to progressively narrow down browsing to intervals of the moving image which include all of the desired characteristics from each layer of the image sensing environment (for example, lighting, pan, zoom, etc.)

Referring specifically to claim language, independent Claim 12 is directed to a moving image processing method for dividing a moving image sensed between a

beginning of recording and an ending of recording, on the basis of a plurality of items of additional data which indicate states upon sensing the moving image. The additional data is added to the moving image and is able to be read out for each item from the moving image. The method includes a generation step of defining an item group formed of one or a plurality of items selected from the plurality of items, and generating division information corresponding to the item group on the basis of the additional data of the items which belong to the item group. The method also includes a hierarchization step of hierarchizing a plurality of division information generated for each item group, and of adding division positions based on division information of an upper layer to division positions of division information of a lower layer. The plurality of division information is hierarchized and the division positions are added in a case that the plurality of division information is generated in the generation step in correspondence with a plurality of item groups. In addition, the method includes a holding step of holding the division information obtained in the hierarchization step in correspondence with the moving image data in a memory.

Independent Claim 21 is directed to an apparatus substantially in accordance with the method of Claim 12.

The applied art is not seen to disclose or suggest the features of Claims 12 and 21, and in particular is not seen to disclose or suggest at least the features of (i) hierarchizing a plurality of division information generated for each item group of a plurality of item groups, and (ii) adding division positions to division information of a lower layer, based on division information of an upper layer.

As understood by Applicant, Matsushita '488 discloses that a hierarchization structure is generated based on camera information. See Matsushita '44, paragraph [0023].

However, Matsushita '488 merely discloses that scenes, cuts and shots are hierarchized, and fails to disclose that a plurality of division information is hierarchized.

Moreover, Matsushita '488 discloses that one scene is composed of a plurality of cuts, and one cut is composed of a plurality of shots. Thus, according to Matsushita '488, a division position of an upper layer always corresponds to a beginning or ending of cut or shot of a lower layer. Accordingly, it would be unnecessary to add division positions of an upper layer to division information of a lower layer, as claimed by Applicant.

In that regard, page 9 of the Office Action concedes that Matsushita '488 and AAPA do not disclose that a plurality of division information is hierarchized, and that division positions are added in the case that a plurality of division information is generated in correspondence with a plurality of item groups. Applicant agrees, and submits that it logically follows that Matsushita '488 also does not disclose (i) hierarchizing a plurality of division information generated for each item group of a plurality of item groups, and (ii) adding division positions to division information of a lower layer, based on division information of an upper layer.

Nevertheless, the Office Action asserts that Figure 17 discloses "hierarchizing a plurality of division information generated for each item group of a plurality of items". Applicant respectfully disagrees. As shown in Applicant's Figure 17(a), a plurality of division information are generated according to different camera

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operations (zoom, pan, etc). However, as can clearly be seen from Figure 17(b), the plurality of division information are treated equally. Therefore, there is no hierarchization of the plurality of division information, as all of the division information are on the same level. In that regard, the AAPA is also not seen to disclose adding division positions to division information of a lower layer, based on division information of an upper layer.

The Office Action also continues to rely on Official Notice for hierarchizing a plurality of division information and adding division positions in the case that a plurality of division information is generated in correspondence with a plurality of item groups. However, the Office Action responds to Applicant's traversal of the Official Notice by simply pointing back to the AAPA. Applicant respectfully submits that reliance on the AAPA contradicts the concession at page 9 of the Office Action, to the effect that the AAPA does not disclose the feature. Accordingly, Applicant continues to traverse the Official Notice, and again calls on the Office to provide documentary evidence for the position taken in the Office Action.

Matsushita '322 has been reviewed and is not seen to remedy the deficiencies of Matsushita '488 and AAPA.

Therefore, independent Claims 12 and 21 are believed to be in condition for allowance, and such action is respectfully requested.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the claims, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, the entire application is believed to be in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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